



Federal Communications Commission  
Washington, D.C. 20554

April 12, 2004

DA 04-991

Evans County School System  
613 W. Main Street  
Claxton, GA 30417

Re: Instructional Television Fixed Service Station  
WLX698, Bloomingdale, GA

Dear Licensee:

On March 17, 2004, the Deputy Chief, Broadband Division issued a letter ruling canceling the construction permit for Instructional Television Fixed Service (ITFS) Station WLX698, Bloomingdale, GA and dismissing as moot petitions for reconsideration filed by Wireless Cable of Florida, Inc. (WCF) on September 25, 1996 and August 12, 1997.<sup>1</sup> For the reasons stated below, we set aside the Letter Ruling, reinstate the construction permit for Station WLX698, and return the WCF petitions for reconsideration to pending status.

In the Letter Ruling, we cancelled the construction permit for Station WLX698 because, based upon our review of the licensing records for Station WLX698, we found that Evans County had apparently failed to complete construction of the station or to request an extension of time beyond the August 21, 2002 expiration date for the station's construction permit.<sup>2</sup> We also dismissed as moot WCF's petitions for reconsideration of grants of earlier applications for extension of time to construct.<sup>3</sup>

In fact, on August 5, 2002, Evans County filed an application for a further extension of time to construct Station WLX698.<sup>4</sup> That application remains pending. Therefore, it was error to cancel the construction permit for Station WLX698 and to dismiss WCF's petitions as moot.

Section 1.113(a) of the Commission's Rules allows a person taking action pursuant to delegated authority to set aside that action within thirty days after public notice of that action is given.<sup>5</sup> Since this letter is being released within thirty days after release of the Letter Ruling, it is timely.

Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.113(a) of the Commission's Rules, 47 C.F.R. § 1.113(a), that the actions taken in Evans County School System, *Letter*, DA 04-721 (rel. Mar. 17, 2004) ARE SET ASIDE.

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<sup>1</sup> Evans County School System, *Letter*, DA 04-721 (rel. Mar. 17, 2004) (Letter Ruling).

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.*

<sup>4</sup> File No. 20020805AAG.

<sup>5</sup> 47 C.F.R. § 1.113(a).

IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.113(a) of the Commission's Rules, 47 C.F.R. § 1.113(a), that the construction permit for ITFS Station WLX698, Bloomingdale, Georgia IS REINSTATED.

IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.113(a) of the Commission's Rules, 47 C.F.R. § 1.113(a), that the Petitions for Reconsideration filed by Wireless Cable of Florida, Inc. on September 25, 1996 and August 12, 1997 ARE RETURNED to pending status.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

John J. Schauble  
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Wireless Telecommunications Bureau

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**K:\...\pspwd\Spann\Evans set aside**

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